

IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

TRACE STAFFING SOLUTIONS,
LLC; and CEP TRANSITION
COMPANY, LLC,

Plaintiffs,

v.

MANUFACTURERS ALLIANCE
INSURANCE COMPANY;
PENNSYLVANIA MANUFACTURERS'
ASSOCIATION INSURANCE
COMPANY; and ZURICH AMERICAN
INSURANCE COMPANY,

Defendants.

CASE NO. CV417-083

CLERK
SO. DIST. OF GA.

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FILED
U.S. DISTRICT COURT
SAVANNAH DIV.

O R D E R

Before the Court is Plaintiffs and Defendant Zurich American Insurance Company's ("Zurich") Joint Motion to Dismiss Pursuant to Settlement. (Doc. 113.) In their motion, Plaintiffs and Defendant Zurich state that they have completed their settlement and have resolved the claims asserted by Plaintiffs against Zurich as well as the counterclaims asserted by Zurich against Plaintiffs. (Id. at 1.) Plaintiffs and Defendant Zurich request that the Court dismiss those claims with prejudice. (Id.)

Plaintiffs and Defendant Zurich do not cite to any authority in their Joint Motion to Dismiss as the basis for dismissal. Because dismissal is being sought by an order of this Court, rather than a notice or stipulation of dismissal pursuant to Federal Rule of Civil Procedure 41(a)(1)(A), the Court presumes that Plaintiffs and Defendant Zurich proceed under Federal Rule of Civil Procedure 41(a)(2), which permits dismissal of an action at the plaintiff's request "only by court order, on terms that the court considers proper." Further, "[i]f a defendant has pleaded a counterclaim before being served with the plaintiff's motion to dismiss, the action may be dismissed over the defendant's objection only if the counterclaim can remain pending for independent adjudication." Fed. R. Civ. P. 41(a)(2). Plaintiffs and Defendant Zurich have stated they seek dismissal of Plaintiffs' claims against Defendant Zurich and the counterclaims asserted by Defendant Zurich against Plaintiffs due to the settlement that has been reached between the parties. Accordingly, this Court finds that the request for dismissal is warranted and the terms of dismissal are proper.

As requested, Plaintiffs' claims against Defendant Zurich are **DISMISSED WITH PREJUDICE** and Defendant Zurich's

claims against Plaintiffs are **DISMISSED WITH PREJUDICE** with each party to bear its own costs and attorneys' fees. The case remains pending as to Defendants Manufacturers Alliance Insurance Company and Pennsylvania Manufacturers' Association Insurance Company.

SO ORDERED this 16th day of September 2019.



WILLIAM T. MOORE, JR.
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA